

# Notice of Allowability

Application No.

10/749,603

Examiner

Abraham Bahta

Applicant(s)

FLOHE, TIMOTHY J.

Art Unit

1744

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/15/03.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date herein attached.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>08/22/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>12/31/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|  | 9. <input type="checkbox"/> Other _____  |

***Terminal Disclaimer***

Receipt of the Terminal Disclaimer filed on 09/12/05 to obviate a double patenting rejection over prior US Patents D472,183 and 6,783,815 is acknowledged.

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gunther Evanina on 08/16/05.

Claim 1, line 2, after "vertical axis," delete "and";

line 2, after "elongate strips," insert

-- and a reference elongate strip,--

line 9, delete "different";

line 10, after "vertical plane" insert

--different from that of an adjacent elongate strip in the series--; and

line 11, after "vertical axis", insert

--wherein the reference elongate strip outlines a similar two-dimensional shape to each elongate strip in the series, the two-dimensional shape of the reference elongate strip is concentric to the two-dimensional shape of an adjacent elongate strip in the series, the reference elongate strip has a length, a width, a thickness, and a major surface defined by the length and the width of the reference elongate strip, the length of

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the reference elongate strip is greater than the width of the reference elongate strip and the width of the reference elongate strip is greater than the thickness of the reference elongate strip, the length of the reference elongate strip is less than the length of any elongate strip in the series, the major surface of the reference elongate strip is located in a vertical plane different from the vertical plane of an adjacent elongate strip in the series, and the vertical plane of the major surface of the reference elongate strip intersects at the single vertical axis, and wherein the vertical plane of the major surface of each progressively longer elongate strip in the series is angularly displaced by a progressively larger angle from the vertical plane of the major surface of the reference elongate strip,--.

Claims 9-12 are canceled.

***Allowable Subject Matter***

Claims 1-8 are allowed.

The following is Examiner's reasons for allowance: The prior art of record does not teach or suggest a process for making a three-dimensional ornamental device comprising the steps of cutting a sheet of material into a two-dimensional shape, making cuts in the sheet material to form a series of strips, and bending the strips to form the device, wherein said process results in the claimed structure.


***Drawings***

The drawings are objected and new formal drawings are required. The drawings filed 12/13/03 include hand written legend, which is unacceptable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The examiner can normally be reached on Monday - Friday; 11:30 am - 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
A. Bahta  
08/16/05

  
JOHN KIM  
SUPERVISORY PATENT EXAMINER